Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

22 March 2018

Original: English

Second session
Geneva, 23 April–4 May 2018

Regional issues: Middle East

Working paper submitted by the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

1. The Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons reaffirms that the Treaty recognizes the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories, which the Group considers to be a contribution towards the total elimination of nuclear weapons. However, the Group is of the firm belief that the establishment of nuclear-weapon-free zones is not a substitute for the legal obligations and unequivocal undertakings of the nuclear-weapon States for the total elimination of nuclear weapons. The Group further welcomes the efforts aimed at establishing nuclear-weapon-free zones in all regions of the world, and in this regard strongly supports the establishment of a nuclear-weapon-free zone in the Middle East.

2. The Group of Non-Aligned States Parties to the Treaty stresses the importance of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which reaffirmed the importance of the early realization of universal adherence to the Treaty. The Group recalls that the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons reaffirmed the importance of Israel's accession to the Treaty and the placement of all its nuclear facilities under comprehensive International Atomic Energy Agency (IAEA) safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East.

3. The Group of Non-Aligned States Parties to the Treaty underlines furthermore that the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons also reaffirmed the importance of the resolution on the Middle East adopted at the 1995 Review and Extension Conference and recalled the affirmation of its goals and objectives at the 2000 Review Conference. The 2010 Review Conference also stressed that the resolution would remain valid until the goals and objectives had been achieved and that the resolution was an essential element of the outcome of the 1995 Review and Extension Conference and of the basis on which the Treaty had been indefinitely extended without a vote in 1995. The Group recalls also that, at the 2010 Review Conference, States parties renewed their resolve to

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undertake, individually and collectively, all necessary measures aimed at its prompt implementation.

4. The Group of Non-Aligned States Parties to the Treaty further recalls that the 2010 Review Conference, in taking note of the reaffirmation by the five nuclear-weapon States of their commitment to the full implementation of the 1995 resolution on the Middle East at that Review Conference, thereby recalled the reaffirmation by the 2000 Review Conference of the importance of Israel's accession to the Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards. The 2010 Review Conference also reaffirmed the urgency and importance of achieving the universality of the Treaty and called on all States in the Middle East that had not yet done so to accede to the Treaty as non-nuclear-weapon States so as to achieve its universality at an early date.

5. In this context, the Group of Non-Aligned States Parties to the Treaty welcomed the adoption by consensus of a detailed plan of action on the Middle East, particularly on the implementation of the 1995 resolution on the Middle East, as contained in the conclusions and recommendations for follow-on actions of the 2010 Review Conference, and urged the Secretary-General and the co-sponsors of the 1995 resolution, in consultation with the States of the region, to convene and exert their utmost efforts to ensure the success of a conference in 2012 that was to be attended by all States of the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction.[1] While recalling that the 2010 Review Conference emphasized the importance of a process leading to full implementation of the objectives of the 1995 resolution on the Middle East, the Group stressed the importance of the full implementation of the plan of action and the active and constructive engagement of all parties concerned to allow for the success of the conference, leading to the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction.

6. The Group of Non-Aligned States Parties to the Treaty expresses deep concern over the long delay in the implementation of the 1995 resolution on the Middle East and urges the three co-sponsors of the resolution to fulfil their responsibility by taking all necessary measures to fully implement it without any further delay.

7. The Group of Non-Aligned States Parties to the Treaty expresses its serious concern that no progress has been achieved with regard to Israel's accession to the Treaty, the placement of all Israel's nuclear facilities under the IAEA full-scope safeguards and the delay in the establishment of a nuclear-weapon-free zone in the Middle East, all of which are objectives and priorities that were stressed at the 1995, 2000 and 2010 Review Conferences.

8. The Group of Non-Aligned States Parties to the Treaty remains gravely concerned by the statement made by the then Prime Minister of Israel on 11 December 2006, in which he publicly admitted the possession of nuclear weapons by Israel. In that regard, the Group reaffirms the continued validity of the statement of the Coordinating Bureau of the Non-Aligned Movement on this subject, as contained in document NPT/CONF.2010/PC.I/19.

9. The Group of Non-Aligned States Parties to the Treaty further expresses great concern over Israel's acquisition of nuclear capabilities, which poses a serious and continuing threat to the security of neighbouring and other States, and condemns Israel for continuing to develop and stockpile nuclear arsenals. The Group also reaffirms that stability cannot be achieved in a region where massive imbalances in

[1] Participation in the conference is not meant to constitute the definition of the "Middle East", except for the purpose of the establishment of a zone free of nuclear weapons and all other weapons of mass destruction in the Middle East.

military capabilities are maintained, particularly through the possession of nuclear weapons, as this allows one party to threaten its neighbours and the region and constitutes a threat to international peace and security.

10. The Group of Non-Aligned States Parties to the Treaty demands that Israel, the only country in the region that has neither joined the Treaty on the Non-Proliferation of Nuclear Weapons nor declared its intention to do so, renounce possession of nuclear weapons, accede to the Treaty as a non-nuclear-weapon State without any precondition or further delay, promptly place all its nuclear facilities under the IAEA full-scope safeguards, in accordance with Security Council resolution 487 (1981), and conduct all its nuclear-related activities in full conformity with the non-proliferation regime, in order to realize the goal of universal adherence to the Treaty, in particular in the Middle East.

11. The Group of Non-Aligned States Parties to the Treaty reaffirms that the nuclear-weapon States, in conformity with their legal obligations under article I of the Treaty, shall solemnly undertake not to transfer nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices, directly or indirectly to Israel, and further undertake not to assist, encourage or induce Israel in any way to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices or gain control over such weapons or explosive devices under any circumstances whatsoever.

12. The Group of Non-Aligned States Parties to the Treaty, in conformity with the Treaty, hereby declares its commitment to the effective prohibition of the transfer of all nuclear-related equipment, information, material and facilities, resources or devices, and the provision of know-how or any kind of assistance in the nuclear, scientific or technological fields to Israel, as long as that country remains a non-party to the Treaty and does not place all its nuclear facilities under the IAEA full-scope safeguards.

13. The Group of Non-Aligned States Parties to the Treaty also calls for the total and complete prohibition of the transfer, by any State, of all nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear-related scientific or technological fields to Israel. In that regard, the Group expresses its serious concern over Israeli scientists' continued access to the nuclear facilities of one nuclear-weapon State, as this potentially has serious negative implications on the security of the region as well as on the reliability of the global non-proliferation regime.

14. The Group of Non-Aligned States Parties to the Treaty once again reaffirms its determination to extend its fullest cooperation and exert its utmost efforts with a view to ensuring the early establishment in the Middle East of a zone free of nuclear weapons.

15. The Group of Non-Aligned States Parties to the Treaty underlines that the 2020 Review Conference should substantially focus on the Middle East by devoting sufficient time to it within the indicative timetable and thereby giving all speakers the full opportunity to engage in a substantive debate. The Group further recalls that the 2000 and 2010 Review Conferences stipulated that all States parties to the Treaty, particularly the nuclear-weapon States, the States of the Middle East and other interested States, should report through the secretariat to the President of the Review Conference and the Chairs of its Preparatory Committee meetings on the steps that they have taken to promote the achievement of such a zone and the realization of the goals and objectives of the 1995 resolution on the Middle East.

16. In that regard, the Group of Non-Aligned States Parties to the Treaty emphasizes the importance of the submission by all States parties to the Treaty, in particular the

co-sponsors of the 1995 resolution, of the reports required of them. It is essential that the 2020 Review Conference conduct substantive discussions on the above-mentioned reports and evaluate the fulfilment of commitments with regard to the Middle East, particularly implementation of the 1995 resolution on the Middle East, as contained in the conclusions and recommendations for follow-on actions adopted by consensus at the 2010 Review Conference.

17. Moreover, the Group of Non-Aligned States Parties to the Treaty requests the establishment of a subsidiary body to Main Committee II of the 2020 Review Conference to assess the implementation of the resolution on the Middle East, adopted by the Review and Extension Conference and reaffirmed in the Final Document of the 2000 Review Conference, as well as in the conclusions and recommendations for follow-on actions of the 2010 Review Conference.

18. The Group of Non-Aligned States Parties to the Treaty calls for the establishment of a standing committee comprising members of the Bureau of the 2020 Review Conference to follow up intersessionally on the implementation of the recommendations made by the Review Conference concerning Israel's prompt accession to the Non-Proliferation Treaty and the placement of all its nuclear facilities under the IAEA full-scope safeguards, and to report to the 2025 Review Conference and its Preparatory Committee.

19. The Group of Non-Aligned States Parties to the Treaty stresses that, as clearly stipulated at the 2010 Review Conference, the conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction should have been convened in the year 2012. At the first, second and third sessions of the Preparatory Committee in 2012, 2013 and 2014, the Group warned that any further delay in convening the 2012 conference would seriously jeopardize the overall implementation of the conclusions and recommendations for follow-on actions and would represent a major setback in that regard. Likewise, the Group underscored that the implementation of the 1995 resolution on the Middle East and the convening of a successful 2012 conference are integral and essential parts of the implementation of the conclusions and recommendations for follow-on actions adopted by consensus at the 2010 Review Conference.

20. Recalling the opposition expressed by the United States, the United Kingdom and Canada at the concluding session of the 2015 Review Conference of the Non-Proliferation Treaty, the Group of Non-Aligned States parties to the Treaty expresses its disappointment that, as a result of such opposition, consensus on new measures regarding the process to establish a Middle East zone free of nuclear weapons and all other weapons of mass destruction was not achieved. This could undermine efforts towards strengthening the non-proliferation regime as a whole. The Group re-emphasizes the special responsibility of the sponsor States of the 1995 resolution on the Middle East with regard to the implementation of that resolution. The Group is concerned that the persistent failure to implement the 1995 resolution, contrary to the decisions made at the relevant Review Conferences of the Treaty, undermines the effectiveness and credibility of the Treaty and disrupts the delicate balance between its three pillars, taking into account that the indefinite extension of the Treaty agreed at the 1995 Review and Extension Conference is inextricably linked to the implementation of the 1995 resolution on the Middle East and does not entail the right to indefinitely possess nuclear weapons.

21. The Group of Non-Aligned States Parties to the Treaty also re-emphasizes the importance of the mandated responsibility of the Secretary-General of the United Nations in accordance with paragraph 7 of the plan of action on the implementation of the 1995 resolution on the Middle East. Accordingly, the Group calls upon the

Secretary-General to accelerate his efforts to ensure the convening, without any further delay, of a successful conference.

22. The Group of Non-Aligned States Parties to the Treaty stresses once again the special responsibility of the nuclear-weapon States, in particular the obligations and commitments to implement the resolution made by the three depositary States of the Treaty which co-sponsored the 1995 resolution on the Middle East. Moreover, the Group considers the implementation of the practical steps on the Middle East adopted by the 2010 Review Conference to be a collective responsibility, since the conclusions and recommendations for follow-on actions of the 2010 Review Conference had clearly stipulated that the States parties renew their resolve to undertake, individually and collectively, all necessary measures aimed at its prompt implementation, and also underlined the reaffirmation at the 2010 Review Conference by the five nuclear-weapon States of their commitment to the full implementation of the 1995 resolution on the Middle East.

23. While appreciating the constructive engagement and the positive reactions about the conference from all Arab countries and the Islamic Republic of Iran, including the announcement of their willingness to participate in the conference, the Group of Non-Aligned States Parties to the Treaty deplores that Israel has refused to participate in the conference.

24. The Group of Non-Aligned States Parties to the Treaty expresses profound disappointment over the failure of the conveners to convene the conference in 2012 as scheduled. The failure to convene the conference in 2012 contradicts and violates the collective agreement of the States parties contained in the conclusions and recommendations for follow-on actions adopted by the 2010 Review Conference and contravenes the letter and spirit of the 1995 resolution on the Middle East. Furthermore, the Group strongly rejects the alleged impediments to convening the conference.

25. The Group of Non-Aligned States Parties to the Treaty underscores that efforts by the Secretary-General of the United Nations related to the Conference should be undertaken in accordance with the following elements, and should be focused on convening the conference no later than 2020, with the aim of launching a process to negotiate and conclude a legally binding treaty on the establishment of a Middle East zone free of nuclear and all other weapons of mass destruction, with the following mandate, and in doing so, he shall exert all efforts and take all necessary measures with a view to ensuring the success of the conference:

(a) The Secretary-General shall invite States of the Middle East region[2] to attend the conference;

(b) The Secretary-General shall also invite the five nuclear-weapon States, the International Atomic Energy Agency, the Organisation for the Prohibition of Chemical Weapons, the Biological Weapons Convention Implementation Support Unit and the League of Arab States to attend the conference as observers;

(c) The resolution on the Middle East adopted at the 1995 Review and Extension Conference shall be the terms of reference of the conference;

(d) The conference shall establish two working groups as follows:

(i) Working group I to deal with the scope, geographic demarcation of the zone, prohibitions and interim measures;

[2] See report by the Director General of the IAEA on the application of IAEA safeguards in the Middle East 2013, GOV/2013/33/Add.1-GC(57)/10/Add.1.

(ii) Working group II to deal with verification measures and implementation mechanisms;

(e) The conference shall meet annually in its plenary format and working groups;

(f) When the draft of the treaty is agreed among all States of the region, the Secretary-General of the United Nations shall reconvene the conference for its adoption;

(g) The Secretary-General of the United Nations shall report to the 2025 Review Conference and its preparatory committees on the progress made and the status of the implementation of the 1995 resolution on the Middle East;

(h) The five nuclear-weapon States shall provide all necessary support for the implementation of this mandate and shall present reports on their actions in that regard to the 2025 Review Conference and its preparatory committees;

(i) The Secretary-General of the United Nations shall exert all efforts to secure the required funds, including through a voluntary fund that could be established to support the implementation of this mandate;

(j) The conference shall not be postponed. If the States that announced their participation in the conference decide to postpone the convening of the conference, it should be held within 90 days.

26. The co-sponsors of the 1995 resolution on the Middle East bear special responsibility for the establishment of the Middle East zone free of nuclear weapons and all other weapons of mass destruction, as well as for the full implementation of the 1995 resolution on the Middle East which they co-sponsored, in order to guarantee the indefinite extension of the Treaty without a vote.

27. The Group of Non-Aligned States Parties to the Treaty urges the convening of the conference without any further delay, in order to avoid any negative repercussions on the credibility of the Treaty and on the nuclear disarmament and non-proliferation regime as a whole.

28. The Group of Non-Aligned States Parties to the Treaty reaffirms the need for the speedy establishment of a nuclear-weapon-free zone in the Middle East in accordance with Security Council resolution 487 (1981) and paragraph 14 of Security Council resolution 687 (1991) and the relevant General Assembly resolutions adopted by consensus. The Group is also of the view that the conference should lead, without further delay, to universal adherence to the Treaty in the Middle East, the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction and the preservation of the credibility of the Treaty.

29. The Group of Non-Aligned States Parties to the Treaty is determined to continue pursuing, as a matter of high priority, the implementation of the 1995 resolution on the Middle East. In that regard, the Group urges all States parties at this Review Conference to shoulder their responsibility in order to prevent the further negative repercussions of not implementing the resolution on the Middle East and the 2010 plan of action.